



Provo City Police Department
Crime Report

Report Date: 06-14-99

Report #Id : 865372.A167

DR# 9906344
IN# 865372

CODE OFFENSE DESCRIPTION
3505 Hallucinogen

Weapon, Force or Means used-
DRUGS, TIME-DAY
Apparent Motive-
DRUG RELATED, PERS SAT
Location of Occurrence-
280 E 2200 N

OCC. ON: Date Time
OR BTWN: 06-13-99 10:17
REPORTED: 06-14-99

Source: P Phone

Connecting reports-
PR#990895

Investigative divisions, units, persons notified-

Case Clearance/Disposition: 4 Active

ADDITIONAL PEOPLE INVOLVED

CODES: S=Suspect, V=Victim, W=Witness, C=Complainant, F=Father, M=Mother

S1	Name: HAMBLIN, DAVID L Addr: 280 E 2200 N CSZ: PROVO UTAH 84604 AKA:	DOB: Sex: M Race: W HP: 801 377-8787 Testify:	Age: 44 Eth. N WP:
C1	Name: HAMBLIN, ROSELLE Addr: 3736 N LITTLE ROCK DR CSZ: PROVO UTAH 84604 AKA:	DOB: Sex: F Race: W HP: 801 221-1783 Testify:	Age: 46 Eth. N WP:
W1	Name: Addr: CSZ: AKA:	DOB: Sex: Race: HP: Testify:	Age: Eth. WP:
W2	Name: Addr: CSZ: AKA:	DOB: Sex: Race: HP: Testify:	Age: Eth. WP:
O1	Name: HINTZE, DAVE Addr: 1115 N MAIN ST CSZ: SPRINGVILLE UTAH 84663-5678 AKA:	DOB: Sex: Race: HP: Testify:	Age: Eth. WP: 801 489-5678

PROPERTY DETAIL

Owner	Quan	Stat.	Code	Manufacturer	Model	Color/Desc	Serial#	IBR Value
S1	1	6	1996 Other Hal	PEYOTE	BUTTON	SMALL BRO PEYOTE BUTTO		10 10.00
Total Stolen Property Value: .00								

The Details are as follows:

INITIAL CALL:

Supervisor	P#	Reporting Officer(s)	P#	Assmt.	Rep. Off. Signature
		TURNER, KEVIN WHITTINGHAM, CARY		P167 PATROL P142 PATROL	
Assigned to: P# Assmt.		Date/Time Reproduced			Div/Clk To Whom
Submit to C/A Active Other Immediate F/U Pending Inactive					



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I was Dispatched to 250 E. 2200 N. to meet with the complainant regarding some drugs that were found in her dad's home.

NARRATIVE:

Myself and Officer Whittingham (3142), responded to that location to meet with the complainant, however, she was not there when we arrived. I then notified Dispatch and asked for the address of the violation. Dispatch replied with 280 E. 2200 N. This residence was the residence on the corner of the 250 E. address.

Myself and Officer Whittingham knocked on the door without any reply. Shortly after, a Suburban pulled up with the complainant and two witnesses present. C-1 Roselle Hamblin stated that due to their divorce proceedings in court, her husband, S-1 David Hamblin, was not allowed to have any American Indian items around the children because, apparently, it upset them. C-1 Roselle Hamblin continued stating that her daughters had called her telling her that they had found Indian items in the residence and they found what they believed to be Peyote as well as illegal possession of Eagle feathers. These daughters were W-1 and W-2.

I then spoke with W-1 and W-2 and asked them what the situation was. W-1 explained that they had found the Eagle feathers in a basket underneath some boxes in their father's room, and also the Peyote button was in a pouch in the back of their father's shirt drawer in his dresser.

I asked the witnesses, if they were not supposed to be around the Indian things because it upset them, why did they go looking for it. Both witnesses stated that they knew it was there and they felt it needed to be turned over to the authorities.

Myself, Officer Whittingham, and both witnesses went to the back door of the residence to examine the property. The witnesses stated that the property was still in their father's room and they asked if we would come in. Myself and Officer Whittingham explained that we could not enter their father's room because he was not present. We further stated that because their father owned the home, we preferred to stay outside. The witnesses asked if they should bring the items to us and we stated that we could not tell them what to do or how to do anything, however, we were there to collect some possible drug items.

Both W-1 and W-2 then stated that because they did not have a key to the residence, they had to crawl in through an open window. W-1 entered through the window and opened the back door where W-1 and W-2 then went into their father's room to retrieve the items.

While they were in the residence, O-1 Dave Hintze arrived at the residence. O-1 Hintze is a Wildlife Resource Officer for the State of Utah. Apparently, C-1 Roselle Hamblin had called Wildlife Resources and asked one of their officers to respond to take possession of the illegal Eagle feathers.

W-1 and W-2 returned to the back door with a small basket that was tied closed with a bandanna, and also a little American Indian pouch containing some small rocks, and a button of Peyote. The witnesses undid the bandanna on the basket, which when opened, contained a lot of bird feathers. The Wildlife Officer, O-1 Hintze, identified most of the feathers as illegal Eagle feathers.

The Peyote button was given to myself and Officer Whittingham which we took possession of at that time. The Wildlife Officer, O-1 Hintze, then took possession of the feathers and left a receipt for S-1 David Hamblin in regards to that.

I then returned and spoke with C-1 Roselle Hamblin who was still out on the street as she has a Restraining Order against her entering the property. I explained to C-1 Roselle Hamblin what had happened and that we were taking possession of the Peyote. I informed her that I would be writing a report



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and would be sending a copy to the County Attorney to review for possible charges of Possession of Peyote which would be a Third Degree Felony.

I asked C-1 Roselle Hamblin what time S-1 David Hamblin usually returns home. C-1 Roselle Hamblin stated that S-1 David Hamblin was teaching Sunday School and should be home about noon. The time then was approx. 1105 hours. C-1 Roselle Hamblin, W-1 and W-2 all expressed their concern for W-1 and W-2 staying with their father for the rest of the day as it was his visitation day. C-1 Roselle Hamblin also explained that there were also two other younger children that would be involved (a and year old) and she was concerned for their safety.

I explained to C-1 Roselle Hamblin that I could not tell her what to do with her children nor to violate any kind of custody order given by the judge. C-1 Roselle Hamblin then told W-1 and W-2 to collect all of their items including the two other smaller children's items and load them in the car because she was not allowing them to stay with the father for the rest of the day.

At that time, S-1 David Hamblin arrived on scene with the other two smaller children. S-1 David Hamblin was enraged at myself, Officer Whittingham, and the Wildlife Officer being present. He stated that he felt this was a gross violation of his privacy and also that his soon to be ex wife, C-1 Roselle Hamblin, was manipulating the children and us into locating the items.

S-1 David Hamblin stated that he wanted it noted in my report that the feathers were in a basket tied shut under some boxes in his bedroom and also that the Peyote was in a pouch in the back of his shirt drawer. S-1 David Hamblin believed that W-1 and W-2 were coerced by their mother, C-1 Roselle Hamblin, into locating the items for prosecution against him.

S-1 David Hamblin also stated that he wanted noted on the police report that the children were removed from his home by C-1 Roselle Hamblin and it was his legal visitation day until 6:00 pm. I explained to S-1 David Hamblin that I could not do anything in regards to custody of their children, they would need to work that out in their divorce court proceedings.

S-1 David Hamblin asked for the case number for the incident and I provided him with that information. I then explained to S-1 David Hamblin that I would be writing a report and forwarding it to the County Attorney's office for possible prosecution of Possession of Peyote. I asked S-1 David Hamblin if the Peyote was his and he stated, "Yes, it is."

S-1 David Hamblin continued stating that the Peyote was kept due to religious reasons because he was Co-Chief in an Indian religion. S-1 David Hamblin stated that he had never used Peyote and had never planned on using it. He was keeping it in his medicine pouch.

O-1 Hintze stated that they had dealt with S-1 David Hamblin on several occasions before and it was proved that, in their previous court proceedings, he was not part of any Indian tribe or Indian religion. I explained to S-1 David Hamblin that my report would reflect what he stated and that I would be forwarding it for the charges.

DISPOSITION:

Due to S-1 David Hamblin admitting to Possession of the Peyote and stating that the Peyote was in his possession in a drawer in his bedroom, Please forward a copy of this report to the County Attorney's office for possible prosecution of Possession of Peyote which is a Third Degree Felony.

At the scene, I waited until all the children had left with their mother in case there was any incident of an argument or violence between C-1 Roselle Hamblin and S-1 David Hamblin. S-1 David Hamblin was extremely upset and then entered the home and slammed the door shut. Myself and Officer Whittingham then cleared the scene. Pending prosecution on the Possession of Peyote charges, I clear this Dispo.4/DR

Provo City Police Department
Officer/Follow-up

Report Date: 06-17-99
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IN# 865372

Subject: HALUCINOGEN

Division Reporting: PAT
Date and Time Occ: 06-13-99 10:17
Case Clear./Disp.: 4 Active

Disposition: Active
Loc. of Occurrence: 280 E 2200 N

Officer's Name

WHITTINGHAM, CARY

P142

PATROL

OFFICER INVOLVEMENT
P#
Assmt.

The Details are as follows:

I responded with Ofc. Turner to the Hamblin residence on 2200 N., upon the complaint of C1/Roselle that her daughter had found illegal drugs in the home. My role was an assisting officer to Ofc. Turner.

Upon arriving at the home myself and Ofc. Turner waited several minutes before C1/Roselle Hamblin and her daughters arrived in a suburban. Upon arriving in the suburban C1/Roselle was asked if she was aware she had a protective order. C1/Roselle said she did realize she had a protective order. Therefore I asked C1/Roselle not to exit her vehicle and to stay on the other side of the roadway and not contact S1/David Hamblin in any way if he did return home.

C1/Roselle's children, W1/ and W2/ then exited the vehicle and spoke with Ofc. Turner. The females advised us that they were on weekend visitation with their father and that they had just come from church, where he was at. The females said that he had allowed them to come home and said they could enter the home. However, the females did not have a key. The females said there was only one key and that they were assured they could enter the home by their father, S1/David Hamblin. The females asked us if we would like them to go inside and retrieve the drugs and other items they wanted to show us. I advised the females that I could not answer that question and that I was not going to trick them to do anything. With that the females did not say anything, however, they entered the home and soon came out producing a small bag. In the small bag one of the females took out an apparent button of Peyote. Also they produced many feathers tied to small sticks. The females advised they had taken these items from the dresser of his father in his bedroom.

Very shortly thereafter O1/Dave Hintze, Div. of Wildlife officer, responded to the scene and took possession of the wildlife items/the feathers. Ofc. Turner took possession of the apparent button of Peyote. The females said that they believed that these items had been in their father's room in the dresser for approx. 7 months.

While we were speaking with the females and the Div. of Wildlife officer S1/David Hamblin arrived. S1/David Hamblin was visibly upset and asked many questions. S1/David Hamblin did agree that all of the items were his and that they did come from his bedroom. S1/David Hamblin said indeed the apparent button of Peyote should be what he believes to be Peyote. S1/David Hamblin said it was a religious item, as he is a co-chief and practicing Indian religion. Ofc. Turner answered S1/David Hamblin's questions and we then watched the children leave the seen with C1/Roselle Hamblin. We did not direct the children in any way as to leaving the scene. However, they did desire to do so, with their mother, on their own.



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This "O" report is to add information to the original report. Dispo 4/PJ